



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 27, 1992

Mr. Murray Watson, Jr.
General Counsel
Texas State Technical College System
P. O. Box 1308
Waco, Texas 76703

OR92-626

Dear Mr. Watson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17362.

You have been asked to disclose records relating to Mr. Kenneth Allen McDuff, a former student of the Texas State Technical College System. Specifically, the requestor seeks "all records concerning the attendance of Kenneth Allen McDuff between January of 1990 and February of 1992." You claim that this information is excepted from required public disclosure by section 3(a)(1) in conjunction with the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and section 3(a)(14) of the Open Records Act.

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." FERPA prohibits an educational institution which receives federal funding from releasing a student's "education records" without his consent. 20 U.S.C. § 1232g(b)(1); *see also* V.T.C.S. art. 6252-17a, §§ 3(a)(14); 14(e) (incorporating the requirements of FERPA into the Open Records Act); Open Records Decision No. 431 (1985) (copy enclosed). We have examined the documents submitted to us for review. These documents include an application for admission, student transcripts, student attendance records, financial aid forms, student housing forms, and other student records. We conclude that these records are "education records" within the meaning of FERPA. Since none of the exceptions to confidentiality under FERPA apply here, we conclude that the requested information in its entirety must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-626.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/GCK/lmm

Enclosures: Open Records Decision No. 431

Ref.: ID# 17362

cc: Mr. Don Marion
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